

Application No.: 09/180269

Docket No.: CCI-007(USRCL)

REMARKS

Claims 2-12, 17, 44-47 and 51-59 were pending in the application. In the present amendment, claims 2-10, 12 17 44-47 and 51-59 have been amended, and new claim 60 has been added. Claims 2, 44-47 and 57-59 have been amended to remove the terms "interaction" and "interact." Claims 3-10, 12, 17 and 51-56 have been amended to render these claims multiply dependent. New claim 60, which is dependent upon claim 4, is directed to a species disclosed in the application (e.g., at least at page 64). Support for these amendments may be found throughout the specification and claims as originally filed. No new matter has been added.

Accordingly, upon entry of the present amendment, claims 2-12, 17, 44-47 and 51-60 will be pending. The cancellation of and/or amendments to the claims are being made solely to expedite prosecution of the above-identified application and should in no way be construed as an acquiescence to any of the objections and/or rejections. Applicants reserve the right to further prosecute the same or similar claims in the present or another patent application.

Examiner Interview

At the outset, Applicants wish to gratefully acknowledge the telephone interview granted to Applicants' representative, Cynthia Kanik, on July 7, 2004. During this interview, the rejections set forth in the Final Office Action were discussed. The substance of this interview is set forth in the Examiner Interview Summary dated July 14, 2004, and further reiterated herein.

Claim Rejections Under 35 USC §112

The rejection of claims 2, 3, 4, 10-12, 17, 44-47 and 51-59 for lack of enablement was maintained on the ground that "the claim needs to include the limitation wherein the fragments of p21 will bind cyclin D1 and wherein the fragments of cyclin D1 will bind p21," (Office Action at page 3). The rejection of these claims for lack of sufficient description was also maintained on the ground that "there is not written description for the fragments of p21 or cyclin D1 to be used in the claimed methods because there is not a correlation between functional characteristics and structural features since there is not a function set forth," (Office Action at page 5).

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Applicants respectfully traverse these rejections. During the July 7, 2004 telephone interview, Applicants' representative pointed out that appropriate functional language was present in the claims. Specifically, the phrase "wherein, in the absence of the test compound being an inhibitor of interaction or binding of said first and second substances, said first substance and said second substance interact or bind," requires that the fragments of p21 (said first substance) and cyclin D1 or fragments thereof (said second substance) bind to one another in the absence of the test compound. The Examiner then raised an objection to the phrase "interact or bind," on the ground that it is unclear whether there is a significant difference between the terms interact and bind. Accordingly, the claims have now been amended to remove the terms "interaction" and "interact."

In view of these amendments, reconsideration and withdrawal of the rejections under 35 USC § 112 is respectfully requested.

SUMMARY

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. CCI-007USRCE from which the undersigned is authorized to draw.

Dated: August 6, 2004

Respectfully submitted,

By

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